

what extent the defendants D B Industries, SafeWorks or others acted in a negligent manner and the contribution of their conduct, if any, to Justin Moore's fall." (Doc. 54 at p. 38).

2. Defendant DBI moves to exclude Dr. Nigel Ellis from testifying or offering opinions, whether in oral or written form, in this case because, as set out more fully in the accompanying Brief, which is incorporated herein by reference:

- a. His opinions are irrelevant and not helpful to the jury; and
- b. His opinions are unreliable, lack methodology, do not rely on valid facts or data, and are conclusory and speculative.

3. Defendant DBI, therefore, prays that the Court enter an order excluding Dr. Nigel Ellis from testifying as an expert witness at trial. Defendant prays for general relief.

Respectfully submitted,

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IRONS, L.L.P.

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CERTIFICATE OF CONFERENCE

Defendant's counsel conferred with counsel for Plaintiffs, Kyle J. Long and Tex Quesada, on February 15, 2021, indicating that it was assumed that Plaintiff was opposed to the relief sought in this Motion and requesting a response to the contrary if this assumption was incorrect. As no response was received, it is assumed that Plaintiff is opposed to the relief requested in this Motion and it is therefore submitted to the Court for review.

/s/ Steven M. Augustine

Steven M. Augustine

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that a true and correct copy of the foregoing document has been delivered to all counsel of record via the Court's CM/ECF System on this the 15th day of February 2021.

/s/ Steven M. Augustine

Steven M. Augustine